IN THE HIGH COURT OF JUDICATURE AT BOMBAY

IN ITS INSOLVENCY JURISDICTION

PETITION NO.89 OF 2006

RE: M/s.Unique Drums & Containers & Ors. ...Debtors

EX-PARTE :

Rakesh Jaysukhlal Sanghvi ...Ptg.Creditor

.....

None for Debtors.

Mr.S.R.Saudagar for Petitioning Creditor.

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CORAM: A.M.KHANWILKAR, J.

NOVEMBER 20, 2007.

P.C.

1. The present Petition is founded on the decree passed by the Court against debtors on 28th August 2002 in Summary Suit No.3965 of 1999. As the debtors failed to pay the amount, Insolvency Notice No.N/261 of 2005 dated 10th January 2006 was issued, which was duly served on the debtors on 23rd June 2006. Inspite of service, debtors failed to pay the decretal amount. In that sense, act of

insolvency was completed on 29th July 2006.

2. As the debtors failed to pay the amount or offer any explanation for non-payment, Petitioning Creditor has had no option but to take out the present action, which has been filed on 1st September 2006. The debtors have been duly served on 30th October 2006 by R.P.A.D. Inspite of such service, none appears for the debtors. No reply has been filed.

3. Debtor No.2 expired during the pendency of this Petition. As no explanation has been offered on behalf of the debtors 1 and 3, Petition ought to succeed in terms of prayer clauses (a) and (b) against Debtor Nos.1 and 3 only.

. Ordered accordingly.

A.M.KHANWILKAR, J.